

Message Text

SECRET

PAGE 01 STATE 012728

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ORIGIN L-03

INFO OCT-01 EA-07 ISO-00 PM-04 NSC-05 SP-02 SS-15 INR-07

CIAE-00 H-02 /046 R

DRAFTED BY L/EA:PNORTON:L/PM:JMICHEL:MFG

APPROVED BY EA:RHMILLER

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PM/ISO - MR. SCOTT (DRAFT)

ISA/FMRA - CPR. GRUNAWALT(DRAFT

JCS/MAJ. GEN. KEARNIG (DRAFT)

NSA:EFITZGERALD (DRAFT)

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S/S: MR KUCHEL

NSC: MR BARNES

ISA/EA&PR - MS. CHARLES (DRAFT)

OGC(IA) - MR. ALMOND (DRAFT)

NAVY JAG - CAPT. FRUCHTERMAN (DRAFT

DASA-IA - MAJ. COLEMAN (DRAFT)

EA/TB - GBROBERTS

----- 024855

P 171814Z JAN 76

FM SECSTATE WASHDC

TO AMEMBASSY BANGKOK PRIORITY

INFO CINCPAC HONOLULU HI PRIORITY

CINCPACAF HONOLULU HI PRIORITY

COMUSMACHTAI BANGKOK PRIORITY

DIRNSA PRIORITY

DOD PRIORITY

S E C R E T STATE 012728

CINCPAC FOR POLAD - PASS AMB. HABIB AND AMB. WHITEHOUSE ONLY

E.O. 11652: GDS

TAGS: PFOR, MARR, TH, US

SUBJECT: TURNOVER OF INSTALLATIONS AND STATUS OF

SECRET

SECRET

PAGE 02 STATE 012728

- - - RESIDUAL US FORCES

REFERENCES: A. BANGKOK 00732; B. BANGKOK 0004;

--- C.. BANGKOK 27049 (1975); D. BANGKOK 26892

--- (1975)

1. IT SEEMS TO US THAT THE MOST FAVORABLE OUTCOME TO OUR TALKS WITH THE THAI WOULD BE AN AGREEMENT THAT ALL RESIDUAL DOD PERSONNEL ARE COVERED BY THE 1950 MILITARY ASSISTANCE AGREEMENT AND, THEREFORE, SHOULD BE ACCORDED THE PRIVILEGES AND IMMUNITIES OF EMBASSY ADMINISTRATIVE AND TECHNICAL STAFF. SUCH AN AGREEMENT COULD BE EFFECTED BY AN EXCHANGE OF NOTES WHICH WOULD ALSO AUTHORIZE CONCLUSION OF IMPLEMENTING AGREEMENTS AND FORMALIZE RTG AGREEMENT TO OUR VARIOUS RESIDUAL ACTIVITIES AND PERSONNEL LEVELS. WE THINK THAT THE PROPOSED INSTALLATION TURNOVER NOTE (REF C) COULD BE INCORPORATED INTO THIS SINGLE EXCHANGE OF NOTES.

2. IF WE COULD THUS OBTAIN THE PRIVILEGES AND IMMUNITIES OF THE 1950 MAA FOR ALL RESIDUAL DOD PERSONNEL, WE COULD THEN SEEK IMPLEMENTING AGREEMENTS REGARDING SUCH MATTERS AS LABOR, POSTAL PRIVILEGES AND TAX RELIEF. IN THIS

CONNECTION, WE BELIEVE IT TO BE UNNECESSARY AND UNDERSIRABLE TO SEEK SPECIFIC PRIVILEGES AND IMMUNITIES WHICH ARE GENERALLY RECOGNIZED AS INHERENT TO MEMBERS OF A DIPLOMATIC MISSION. SINCE WE VIEW "OFFICIAL IMMUNITY FROM CIVIL LIABILITY OF US PERSONNEL FROM THEIR OFFICIAL DUTY ACTIONS" AND "UNENCUMBERED ENTRY AND EXIT OF PERSONNEL AND MATERIAL" (PARA 7, REF B,) AS BEING WITHIN THE DIPLOMATIC PRIVILEGES AND IMMUNITIES EXTENDED TO EMBASSY ADMINISTRATIVE AND TECHNICAL STAFF UNDER VIENNA CONVENTION ON DIPLOMATIC RELATIONS AND, THEREFORE, ALSO APPLICABLE TO US PERSONNEL UNDER ART VII OF THE MILITARY ASSISTANCE AGREEMENT, WE CONSIDER IT DISADVANTAGEOUS SPECIFICALLY TO RAISE THESE ISSUES WITH THE THAI.

3. THE PROPOSED EXCHANGE OF NOTES WILL REQUIRE CIRCULAR 175 AUTHORIZATION. ALSO, ADVANCE CONSULTATION WITH CONGRESS WILL PROBABLY BE DESIRABLE. THE TEXT OF THE
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SECRET

PAGE 03 STATE 012728

NOTES ULTIMATELY EXCHANGED WILL SUBSEQUENTLY HAVE TO BE TRANSMITTED TO CONGRESS UNDER THE CASE ACT. BOTH PROCEDURES CAN BE CARRIED OUT WITH THE DEGREE OF CONFIDENTIALITY WHICH WE THINK APPROPRIATE.

4. REQUEST EMBASSY COMMENTS ON ABOVE APPROACH AND RECOMMENDATIONS ON WORDING OF U.S. DRAFTS TO BE TABLED.

5. DEFENSE CONCURS. KISSINGER

SECRET

NNN

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04 MAY 2006

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